

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**HON. GEORGE CARAM STEEH**  
**No. 18-20421**

**CRAIG DAVID EVANS,**

Defendant.

**SENTENCING**  
**(Held Via Videoconference)**

**BEFORE THE HONORABLE GEORGE CARAM STEEH**  
United States District Judge  
Theodore Levin United States Courthouse  
231 West Lafayette Boulevard  
Detroit, Michigan

**Thursday, May 6, 2021**  
**11:32 a.m.**

**APPEARANCES:**

For the Plaintiff:

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For the Defendant:

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May 6, 2021

Detroit, Michigan

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(Court, Counsel and Defendant present, 11:32 a.m.)

THE COURT CLERK: United States District Court for the Eastern District of Michigan is now in session; the Honorable George Caram Steeh presiding. Court calls Case Number 18-20421, United States of America versus Craig David Evans. Counsel, please state your appearances for the record.

MS. WOODWARD: Good morning, Your Honor. Sara Woodward on behalf of the United States.

THE COURT: Good morning.

MR. GONEK: Good morning, Your Honor. Ben Gonek appearing on behalf of Mr. Craig Evans.

THE COURT: Okay. Welcome.

Mr. Evans, you're present and again you can hear us all?

THE DEFENDANT: Yes, that's correct.

THE COURT: All right. Very fine.

Ms. France is here from probation, and we're here for purposes of a sentencing hearing. The Court has received a, I believe, yes, a statement entitled Defendant's Intentions Regarding the Sentencing Hearing, and this document seems to indicate that Mr. Evans is prepared to consent to the hearing as a virtual hearing in a Zoom format to be done with the

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1 defendant's consent. And I gather that is still the case,  
2 Mr. Gonek, as far as you know?

3 MR. GONEK: That's correct, Your Honor. I spoke with  
4 my client this week on Monday and as late as yesterday, and he  
5 advises me that he wishes to proceed to sentencing via Zoom.

6 THE COURT: All right. Is that accurate, Mr. Evans?

7 THE DEFENDANT: Yes, Your Honor. That is accurate.

8 THE COURT: You know you -- you understand that you do  
9 have an absolute right to require this to be done in person and  
10 when that might be available, sometime soon, but you believe it  
11 serves your purposes to have the hearing here today?

12 THE DEFENDANT: Yes, it suits my purposes.

13 THE COURT: And you will waive your right to be in  
14 person for this hearing as a consequence; is that right?

15 THE DEFENDANT: Yes, Your Honor, I do.

16 THE COURT: Any objection to pursuing this hearing  
17 today in this format, Miss Woodward?

18 MS. WOODWARD: No objection, Your Honor. And if the  
19 Court could just also make an ends-of-justice finding that  
20 proceeding virtually also serves the ends of justice, I think  
21 that would be great. But no objections.

22 THE COURT: All right. Thank you.

23 And you would join in that conclusion, Mr. Gonek?

24 MR. GONEK: I do, Your Honor.

25 THE COURT: Yes, I'm satisfied that the ends of

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1 justice are best served by avoiding any further delays and  
2 conducting this as consented to by the parties. And so the  
3 Court in that connection has received a proposed -- actually a  
4 memorandum both -- one submitted by the government and one  
5 submitted by Mr. Gonek on behalf of Mr. Evans. Both of those  
6 documents include statements of fact and adoption of an  
7 advisory guideline range in the case that seems to be agreed  
8 upon between the parties as well. Is that accurate?

9 MR. GONEK: It is, Your Honor.

10 MS. WOODWARD: Yes, Your Honor.

11 THE COURT: Okay. So the Court's had an opportunity  
12 to peruse these documents, and it appears that there is an  
13 agreement. The Court is -- whereby the Court would find the  
14 advisory guideline range in this case to be 97 to 21 -- 121  
15 months in length. So do both sides agree on the facts that are  
16 set forth in the presentence report as well as the calculation  
17 of the guideline range at 97 to 121 months? Mr. Gonek?

18 MR. GONEK: That is correct.

19 THE COURT: All right. Ms. Woodward?

20 MS. WOODWARD: Yes, Your Honor.

21 THE COURT: Okay. What would you like the Court to  
22 consider additionally, if anything, Mr. Gonek?

23 MR. GONEK: Judge, I think I've highlighted all the  
24 major points in the sentencing memorandum. The plea agreement  
25 in this case calls for a sentence of 120 months. If it's

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1 anything else, the government can withdraw, or if it's anything  
2 more, the defendant can withdraw from the plea agreement. Your  
3 Honor, I think 120 months is certainly sufficient in this case.  
4 Mr. Evans is 58 years old. He has no prior felony convictions.  
5 He had a childhood that was marred by abuse – physical, mental  
6 and emotional abuse. I think the presentence report is --  
7 pretty much contains a theme that he certainly suffers from an  
8 alcohol problem. In fact, he had two prior misdemeanor  
9 convictions for operating under the influence of liquor, a  
10 prior case that was dismissed for open intox. I think his  
11 family has also indicated that he has an alcohol problem. And  
12 I say all that because I think that really is -- the abuse and  
13 the alcohol led to the commission of the instant offense.

14 I would ask the Court to adopt the plea agreement --  
15 or to accept the plea agreement by the parties, sentence  
16 Mr. Evans appropriately to that 120 months, and we would ask  
17 for recommendation of mental health treatment and alcohol  
18 treatment through RDAP in the Federal Bureau of Prisons.

19 Mr. Evans does have a supportive family. I believe  
20 his sister spoke to the probation department, Doreen Simmons,  
21 her name is Doreen Simmons, and indicated that they are  
22 supportive of Mr. Evans. He does have a bachelor's degree, I  
23 believe, in accounting, and once he serves his term and is  
24 released, if he gets the appropriate treatment, he will  
25 certainly be a productive member of society and there will be a

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1 low chance that he will commit another offense.

2 If the Court wants me to address restitution or the  
3 waiver -- or the special assessment, I can do it now or I can  
4 do it after the Court imposes a sentence. I don't know how the  
5 Court wants me to address.

6 THE COURT: All right. Well, why don't we initially  
7 begin by calling on Ms. Woodward to hear what she has to say on  
8 behalf of the government, and she can -- invite her to indicate  
9 about restitution, what you would like to say in response to  
10 Mr. Gonek's request that any determination of restitution be  
11 deferred to, I believe, if I understood what you asked,  
12 Mr. Gonek, it was that the Court not deal with it at this  
13 point. Is that right?

14 MR. GONEK: Correct, as it relates to the \$3,000 for  
15 the eight victims. Your Honor, I'm just simply requesting, and  
16 it's my fault for not requesting it earlier. Miss Woodward and  
17 I can meet, and if she can show me that the victims that are  
18 requesting restitution were actually victims in this case, then  
19 we'll stipulate to it, and I think that that -- there would  
20 really be no need for a hearing.

21 THE COURT: Okay. Now, Ms. Woodward.

22 MS. WOODWARD: Thank you, Judge.

23 I'll start with restitution. You know, I think some  
24 things have maybe gotten -- we've lost track of because we were  
25 scheduled to hold this sentencing in March of last year, so

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1 it's been a little -- it's been a minute. Mr. Evans was  
2 represented at that time by different counsel, and I did  
3 provide the Court and Miss Stout, his prior counsel, with  
4 victim impact statements and restitution requests at that time.  
5 It may be that Mr. Gonek hasn't seen those, and I can certainly  
6 also show him. You know, we get a report from the National  
7 Center For Missing and Exploited Children identifying the  
8 serious victims in a particular defendant's collection. This  
9 defendant's collection was over 27,000 files of child  
10 pornography. We received victim impact statements from over 20  
11 and restitution requests from eight at the time that I wrote my  
12 sentencing memo a year ago, but just this week I received  
13 another one.

14 So all of that to say I'm happy to show Mr. Gonek the  
15 documents establishing that the nine victims that have  
16 submitted restitution requests were depicted in Mr. Evans's  
17 collection, and then once he and I meet, we hopefully can  
18 submit a stipulation to the Court for the \$3,000 per victim  
19 that we set forth in the plea agreement.

20 THE COURT: Does that have to occur within a certain  
21 period of time?

22 MS. WOODWARD: It does.

23 THE COURT: 90 days or --

24 MS. WOODWARD: Yes, that's right. And I think we can  
25 do it certainly faster than that, Mr. Gonek. I don't think it



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1 will take long.

2 THE COURT: Okay. All right. Is that agreeable,  
3 Mr. Gonek?

4 MR. GONEK: Yes, sir.

5 THE COURT: Okay. All right. Okay. Go ahead.

6 MS. WOODWARD: Thank you, Judge.

7 As far as, you know, allocution for sentencing, I did  
8 file a memo with the Court. I know the Court is also a little  
9 more familiar with this case because we had a suppression  
10 hearing and the Court heard testimony from, you know, a case  
11 agent and from Mr. Evans himself. So I won't belabor the  
12 facts, but they're a little unusual here and more unusual than  
13 in -- not that there's really any run-of-the-mill child  
14 pornography case, but this is outside the standard child  
15 pornography case which is why the parties agreed on a 120-month  
16 sentence.

17 You know, Mr. Evans is here for child pornography  
18 crimes, and he did have a large collection of child  
19 pornography; as I said, over 27,000 files. And, of course,  
20 that caused harm to the victims depicted in those images and  
21 videos. But the Court is also familiar with the facts  
22 surrounding Mr. -- well, Victim 1 and Minor Victim 1, and my  
23 sentencing memo reminds the Court of the statements that  
24 Victim 1 made about how she came to be in the United States at  
25 a young age. She was an adult, but she was still very young.

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1 And also the statement from Minor Victim 1, that she was  
2 sexually abused by the defendant.

3 The defendant does dispute that and that was -- and he  
4 has maintained that he did not sexually abuse Minor Victim 1  
5 but that is in the Court -- in the government's sentencing  
6 memo. And those are some of the facts behind why we had a  
7 somewhat unusual resolution in this case to agree upon a  
8 ten-year sentence. And I think those facts justify the  
9 ten-year sentence and gives the Court some satisfaction that  
10 the parties' resolution is a fair and just one. So we would  
11 ask that the Court impose that ten-year sentence and then I  
12 will work with Mr. Gonek on the restitution issue.

13 THE COURT: All right. Thank you, Miss Woodward.

14 Mr. Evans, what would you like the Court to hear  
15 before sentence is imposed, sir?

16 THE DEFENDANT: Judge, I'm [indiscernible] for what  
17 I've done --

18 THE COURT: Could you speak up just a little bit. I'm  
19 having some trouble hearing.

20 THE DEFENDANT: I said I'm taking responsibility for  
21 what I've done and very sorry for anything that's happened to  
22 anybody. That's really all I have to say.

23 THE COURT: All right. Thank you, Mr. Evans.

24 Well, the starting point for the Court's consideration  
25 of an appropriate sentence in this case is the advisory

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1 guideline range which has been agreed upon, and that's 97 to  
2 121 months. The Court will accept the Rule 11 plea agreement  
3 that is an agreement among the parties that is suitable. Term  
4 of confinement is 120 months. And the reasons I think that  
5 have been outlined here from counsel are, again, agreed upon  
6 between the parties as appropriate, and the Court will accept  
7 their reasoning as both sides have explained what occurred  
8 here. And the Court is satisfied then that the sentence of 120  
9 months is sufficient, not greater than necessary to accomplish  
10 the goals of the sentencing statute and Section 3553(a). And  
11 the Court therefore will order pursuant to the sentencing  
12 statute at -- oh, gosh, it's been awhile, I guess. I don't  
13 have the -- on the tip of my tongue, but the sentencing called  
14 for under section -- well, let me see. It's Sentencing Reform  
15 Act of 1984? I probably -- I don't know how many hundreds of  
16 sentences I've imposed, and you would think I would remember  
17 the statute, but that is a -- is the -- should include -- the  
18 confinement order should include recommendation to the facility  
19 that offers a residential sex offender treatment program would  
20 be fully appropriate in this case.

21           Upon the defendant's release from confinement, the  
22 Court will order that he be placed in supervised release for a  
23 term of five years. The Court will order a special assessment  
24 in the amount of \$100 which is due immediately, and the Court  
25 will order that the Justice for Victims of Trafficking Act

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1 which would otherwise require a \$5,000 obligation is going to  
2 be waived in this case given the lack of resources, financial  
3 condition of the defendant.

4 The Court will waive the imposition of a fine, the  
5 cost of confinement and the cost of supervision given, again,  
6 the defendant's lack of resources in the case. The Court will  
7 order that he be subject to mandatory drug testing, and will be  
8 obliged to cooperate with a collection of a DNA sample pursuant  
9 to statute as directed by probation officer.

10 While on supervision, the defendant is going to be  
11 ordered to abide by standard conditions adopted by the Eastern  
12 District of Michigan and special conditions that include  
13 additional provisions based on the need to protect the public.

14 The following conditions of probation will be  
15 included: Compliance with the requirements of the Sex Offender  
16 Registration and Notification Act. Mr. Evans will be required  
17 to abide by the directions given by probation and any state  
18 offender registration agency where the defendant may work,  
19 reside or convicted of a qualifying offense.

20 The -- Mr. Evans must successfully complete any sex  
21 offender diagnostic evaluation, treatments, counseling programs  
22 as directed by probation, and the reports pertaining to sex  
23 offender assessment and treatment should be provided to the  
24 probation officer on request. Based on his ability to pay,  
25 Mr. Evans may have an obligation to cover the cost of

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1 diagnostic evaluations, treatment or counseling programs in an  
2 amount determined by the probation officer.

3           Mr. Evans will be obliged to avoid contact directly or  
4 indirectly with any victim or witness in this offense unless  
5 approved by probation, and he must not have direct contact with  
6 any children or others under the age of 18 not including his  
7 own children without the permission of probation. If he does  
8 have any direct contact with children he knows or reasonably  
9 should know to be under the age of 18, the defendant must  
10 report this contact to probation within 24 hours, and that  
11 includes -- direct contact includes written communications,  
12 physical -- or physical contact. And direct contact does not  
13 include incidental contact during ordinary daily activities in  
14 public places.

15           Mr. Evans will be required to notify anyone he dates  
16 or marries who has a minor under the age of 18 -- with a minor  
17 child under the age of 18 of his conviction. He must not  
18 purchase, sell, use, possess images in any form or media, of  
19 course, or live that depicts pornography, sexually explicit  
20 contact, child erotica or child nudity. He must not patronize  
21 any place where such material is available. And he must have  
22 employment preapproved by probation, and must not be employed  
23 or participate in any volunteer activities including contacts  
24 with minors under the age of 18 or adults with disabilities  
25 without prior approval of probation.

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1           Mr. Evans will be required to have all of his  
2 residences preapproved by probation and must not provide care  
3 or live in a residence where children under the age of 18 or  
4 adults with disabilities also reside without prior approval of  
5 probation. Mr. Evans must participate in the Computer Internet  
6 Monitoring Program administered by the United States Probation  
7 Department. He must abide by the program participant agreement  
8 in effect at the time of the supervision and comply with any  
9 amendments to the program during the term of supervision.

10           Due to advances in technology, the Court will adopt  
11 the amendments to the CIMP as necessary, that being the  
12 computer monitoring program.

13           Mr. Evans should submit to -- by his person,  
14 residence, office or vehicles to search on reasonable request  
15 by probation at a reasonable time and reasonable manner based  
16 upon reasonable suspicion of contraband or evidence of a  
17 violation of the condition of release. And his failure to  
18 submit to a search may be grounds for revocation of  
19 supervision. And he must warn any residents of the premises  
20 that it may be subject to searches.

21           Mr. Evans has self-reported a history of substance  
22 abuse and mental health concerns, and the Court will recommend  
23 during his confinement that he be referred for substance abuse  
24 testing and treatment, that ultimately it has -- he is released  
25 to supervision. That testing will include testing for the use

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1 of drugs or alcohol; make sure he hasn't reverted to that if  
2 necessary.

3 Defendant participate in a program approved by  
4 probation for substance abuse once released which may include  
5 testing to determine whether he's reverted to the use of drugs  
6 or alcohol. And the defendant shall participate in a program  
7 approved by probation for mental health counseling if  
8 necessary.

9 Due to restitution being an issue in the case, the  
10 Court will either receive a stipulation between the parties or  
11 a request for a hearing if they're unable to reach an  
12 agreement.

13 And so Mr. Gonek asked the Court to consider making a  
14 recommendation for participation in a RDAP program, and  
15 certainly it appears that his substance abuse would support the  
16 reference and the help that Mr. Evans may need to cope once  
17 released from confinement. So the Court will include that  
18 recommendation as made by Mr. Gonek.

19 Anything else that you believe the sentence ought to  
20 include, Ms. France, from probation? Anything you can think  
21 of?

22 MS. FRANCE: No, Your Honor. I think you included  
23 everything.

24 THE COURT: Okay. Ms. Woodward, anything on your  
25 part?

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1 MS. WOODWARD: Thank you, Judge. If you could just  
2 confirm, when the Court said that the 120-month sentence was  
3 sufficient but not greater than necessary, I think that what  
4 you were implying, but if I could just confirm, was that you  
5 were -- made that conclusion by considering the factors set  
6 forth in 18 U.S.C. Section 3553(a).

7 THE COURT: Yes. Thank you. That should be  
8 clarified. And it is, indeed, a sentence that I think fairly  
9 considers the factors that include an assessment in the  
10 seriousness of the offense, background characteristics of the  
11 defendant in committing the violations, the need to deter both  
12 Mr. Evans as well as others who might be inclined to commit  
13 similar violations, both specific and general deterrence,  
14 therefore. And those are the primary factors that I think are  
15 essential to any sentencing decision and are fairly accounted  
16 for in recommending a sentence of 120 months, again, something  
17 agreed upon by both sides in this case.

18 Anything else you can think of, Ms. Woodward?

19 MS. WOODWARD: No. Thank you, Judge.

20 THE COURT: Okay. Mr. Gonek, anything on your part?

21 MR. GONEK: No, sir.

22 THE COURT: All right. As much as the Court has  
23 received and accepted the Rule 11 agreement in this case, I  
24 won't be advising the defendant of a right to appeal the  
25 conviction and sentence imposed, but I will wish you good luck,



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1     sir.

2                 THE DEFENDANT:   Thank you.

3                 MS. WOODWARD:   Judge, to the extent that we need to, I  
4     believe I need to make a motion to dismiss Count 2 of the  
5     indictment which charged the defendant with possession of child  
6     pornography.

7                 THE COURT:   Yes.   Pursuant to the agreement in the  
8     case, the Court will enter an order dismissing that count.

9                 MS. WOODWARD:   Thank you.

10                THE COURT:   Okay.   I think we got it covered.

11                MR. GONEK:   Thank you, everyone.

12                THE COURT:   Okay.   All right.   Very good.   Thank you.

13                MR. GONEK:   Bye-bye.

14                MS. WOODWARD:   Thank you.

15                THE COURT CLERK:   Court is adjourned.

16                (Proceedings concluded, 12:03 p.m.)

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## CERTIFICATION OF REPORTER

I, Leann S. Lizza, do hereby certify that the above-entitled matter was taken before me remotely via videoconference at the time and place hereinbefore set forth; that the proceedings were duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party, nor interested in the event of this cause.

S/Leann S. Lizza 5-24-2021

Leann S. Lizza, CSR-3746, RPR, CRR, RMR, RDR Date